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SUMMARY RECORD OF THE 67th MEETING

Chairman: Mr. BIGGAR (Ireland)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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In the absence of Mr. Cissé (Senegal), Mr. Biggar (Ireland), Vice-Chairman, took the Chair.

The meeting was called to order at 3.45 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/49/L.59/Rev.1)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/49/L.61, L.62, L.63)

(d) COMPREHENSIVE IMPLEMENTATION AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/L.36/Rev.1, A/C.3/49/L.55)

Draft resolution A/C.3/49/L.61, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia"

1. The CHAIRMAN said that draft resolution A/C.3/49/L.61 had no programme budget implications, and that Australia, Botswana, Senegal and the former Yugoslav Republic of Macedonia wished to join the sponsors of the draft resolution.

2. Ms. SAPCANIN (Bosnia and Herzegovina) said that Brunei Darussalam, Japan, Kyrgyzstan and Nepal had also joined the sponsors of the draft resolution. After detailed consultations, and in the interest of consensus, her delegation proposed the replacement of the words "in the Serb-held areas" in paragraph 17 by "in those areas where access is being denied to the Special Rapporteur". She hoped that all the concerns expressed had thereby been duly taken into account, and that the draft resolution would be adopted without a vote as had been the case at the forty-eighth session of the General Assembly. Her delegation thanked all those who had contributed to finalizing the text.

3. The CHAIRMAN said that Cambodia, El Salvador, the Marshall Islands, Nigeria, Papua New Guinea and the Philippines had joined the sponsors of the draft resolution.

4. Draft resolution A/C.3/49/L.61 was adopted without a vote.

5. Mr. PARSHIKOV (Russian Federation) expressed his delegation's gratitude to the sponsors of the draft resolution, and particularly to the delegation of Bosnia and Herzegovina, which had made the necessary revisions in order to take account of his delegation's views, thereby enabling it to join the consensus.

Draft resolution A/C.3/49/L.62, entitled "Situation of human rights in Rwanda"

6. The CHAIRMAN said that draft resolution A/C.3/49/L.62 had no programme budget implications, and that Albania wished to join the sponsors of the draft resolution.

7. Ms. NEWELL (Secretary of the Committee) said that in the fourth paragraph of the draft resolution, the words "human rights or" had been deleted, and the words "or those who are responsible for grave violations of human rights" had been added after the words "humanitarian law".

8. Ms. BUCK (Canada) said that Rwanda and Cameroon no longer wished to co-sponsor the draft resolution; Côte d'Ivoire and the Czech Republic, however, had joined the sponsors.

9. The CHAIRMAN said that Portugal had also joined the sponsors of the draft resolution.

10. Mr. MONGBE (Benin) said he was pleased to be among the sponsors of a text which had been produced after intensive consultations, and was intended to reflect all the concerns of the friends of Rwanda regarding the human rights situation in that country and to send a message of encouragement to the Rwandese authorities and an appeal for help to the international community. The text paid tribute to the efforts of the Rwandese authorities to restore security, peace and respect for human rights despite an uncertain situation regarding the availability of human and material resources. It recognized the need to expand field activities designed to ensure respect for human rights, prevent new violations, and facilitate the safe return of refugees and displaced persons, which was essential for the normalization of the situation in the country as well as national reconciliation. The text reaffirmed the will of the international community to help the Rwandese people re-establish the peace and security which were prerequisites for rebuilding the economy. His delegation therefore considered the draft resolution to be balanced and recommended its adoption by consensus.

11. Draft resolution A/C.3/49/L.62 was adopted without a vote.

12. Mr. USUI (Japan) recalled that, as he had stated in his previous explanation of vote, his Government appreciated the increased efforts of the international community in the field of international criminal justice, such as the establishment of the International Tribunal for Rwanda. However, his Government believed that the substantive and procedural laws which governed the ad hoc international tribunal left room for improvement; his delegation had therefore been unable to join the sponsors of the draft resolution.

Draft resolution A/C.3/49/L.63, entitled "Situation of human rights in Afghanistan"

13. The CHAIRMAN said that draft resolution A/C.3/49/L.62 had no programme budget implications. With a view to achieving consensus, he presented the revisions to the text which had been agreed on during consultations. In the tenth preambular paragraph, the word "various" had been added before the word

"efforts". In the same paragraph, after the words "initiatives taken", the words "by the Government of Afghanistan" had been deleted, and after the phrase "towards ensuring complete peace and stability", the words "including those taken by the Afghan Government" had been inserted. In the last paragraph on page 3 (beginning with "Affirming that"), the words "1992" had been added before the word "declaration". At the end of the same paragraph, the word "groups" had been replaced by "parties". In the third line before the end of operative paragraph 3, the words "four million" had been replaced by "three million". Paragraph 7 had been deleted, and the following paragraphs were to be renumbered accordingly. In paragraph 8, the word "Afghan" had been added before "Government", and the words "of Afghanistan" had been deleted. Those changes had been made to enable all delegations to agree to the text.

14. Draft resolution A/C.3/49/L.63 was adopted without a vote.

Draft resolution A/C.3/49/L.55, entitled "Comprehensive implementation and follow-up to the Vienna Declaration and Programme of Action"

15. The CHAIRMAN said that the draft resolution had no programme budget implications. Estonia, France, Georgia, Guatemala, Israel, Kazakhstan, Latvia, Malawi, the Marshall Islands, Micronesia (Federated States of), Namibia, Norway, Peru, Slovakia, and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

16. Mr. THFUERMANN (Austria) announced that Argentina, Mauritania, New Zealand and the United States of America wished to join the sponsors. A number of changes had been made to the text as a result of consultations between delegations aimed at coming to a consensus. In the eleventh preambular paragraph of the draft resolution, the phrase "in his system-wide coordination responsibilities" should be replaced by the words "in the coordination of United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141." The words "in appreciation" should be deleted in operative paragraph 1, and operative paragraph 9 should be reworded to read: "Requests the High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities to submit, no later than 15 February 1995 for the preparation of the programme budget for the biennium 1996-1997, a report with a detailed plan on the human and financial resource requirements of the implementation of the recommendations of the Vienna Declaration and Programme of Action which have been endorsed by the competent United Nations organs or on which the competent organs of the United Nations have taken decisions;".

17. The CHAIRMAN announced that Bhutan, Cape Verde, Croatia, the Czech Republic, El Salvador, Gabon, India, Mongolia, Nepal, Nicaragua, Papua New Guinea, the Republic of Korea, the United Kingdom and Zambia wished to join the sponsors of the draft resolution.

18. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution A/C.3/49/L.59/Rev.1, entitled "Strengthening of the rule of law"

19. The CHAIRMAN said that the draft resolution had no programme budget implications.

20. Mr. LINDGREN (Brazil) said that as a result of consultations with other delegations and in a spirit of compromise, it had been decided to insert the word "sufficient" between the words "funds" and "to" in the second line of operative paragraph 5, and to replace the final two lines of operative paragraph 6, after the word "obtaining", by the following wording: "from all relevant institutions of the United Nations system including financial institutions, acting within their mandates, technical and financial assistance to strengthen the realization of human rights and maintenance of the rule of law." His delegation hoped that once the revisions had been made, the draft resolution would be adopted, as previously, by consensus. He announced that Guatemala, Honduras and India wished to join the sponsors of the draft resolution.

21. The CHAIRMAN announced that Angola, Cape Verde, Côte d'Ivoire, the Dominican Republic, Gabon, Germany, Panama, South Africa, Suriname, the former Yugoslav Republic of Macedonia and Zambia wished to join the sponsors of the draft resolution.

22. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution A/C.3/49/L.36/Rev.1, entitled "Increased coordination within the United Nations system in the field of human rights"

23. The CHAIRMAN said that the draft resolution had no programme budget implications and that Denmark, Finland, Germany, Iceland, Ireland, Norway, Spain, Sweden and the United Kingdom had joined the sponsors of the draft resolution.

24. Ms. NEWELL (Secretary of the Committee) read out the revisions that had been made to the draft resolution. In operative paragraph 1, the words "to continue" should be added after the words "High Commissioner for Human Rights". In operative paragraph 6, the words "as a sub-item" should be deleted.

25. The CHAIRMAN said that the sponsors of the draft resolution had informed him that further consultations would be required before the Committee was ready to take action on the text. If he heard no objection, he took it that the Committee wished the draft resolution, as orally revised, to be referred to the Working Group of the Committee for further consideration.

26. It was so decided.

27. The CHAIRMAN then took up the matter of the second part of the mandate of the Working Group of the Third Committee. At its 59th meeting on 15 September 1994, the Committee had decided that during the forty-ninth session of the General Assembly the Working Group on Human Rights should continue to consider certain aspects of the implementation of the recommendations contained

in paragraphs 17 and 18 of Part II of the Vienna Declaration and Programme of Action [A/CONF.157/24 (Part I)]. Since the Working Group had not completed its work, he suggested that the Committee should recommend to the General Assembly that it continue its consideration of agenda sub-item 100 (d), entitled "Comprehensive implementation and follow-up to the Vienna Declaration and Programme of Action", in order that the Working Group would be able to continue its work during the latter part of the forty-ninth session.

28. Mr. FERNANDEZ PALACIOS (Cuba) said that the Committee's decision should make it clear that the ongoing deliberations on that agenda item would not encroach on the work of the Working Group.

29. The CHAIRMAN assured the representative of Cuba that due note would be taken to his remark and said that, if he heard no objection, he would take it that the Committee wished to make the recommendation to the General Assembly which he had proposed.

30. It was so decided.

31. The CHAIRMAN suggested that the Committee should recommend to the General Assembly that it take note of the following documents:

A/49/40: Report of the Human Rights Committee;

A/49/41: Report of the Committee on the Rights of the Child;

A/49/408: Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide;

A/49/409: Report of the Secretary-General on the status of the Convention on the Rights of the Child;

A/49/364: Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

A/49/410: Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes;

A/49/716: Report of the Secretary-General on the situation of human rights in Myanmar;

A/49/651: Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the situation of human rights in Iraq;

A/49/538: Note by the Secretary-General transmitting the report by the representative of the Secretary-General on internally displaced persons;

A/49/543: Note by the Secretary-General transmitting the report by the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights;

A/49/508: Note by the Secretary-General on the situation of human rights in Rwanda.

32. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to make a recommendation to that effect to the General Assembly.

33. It was so decided.

34. The CHAIRMAN declared the consideration of agenda item 100 closed, with the exception of agenda item 100 (d), which would be considered by the Working Group on Human Rights.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Organization of work of the Third Committee and draft biennial programme of work of the Committee for 1995-1996 (A/C.3/49/L.76)

35. Mr. BUNCH (Chief, Programme Planning and Documentation Section) drew the attention of the Committee to the amendments made to document A/C.3/49/L.76 in the light of the draft resolutions submitted to the Committee since the compilation of the document as well as the draft resolutions and draft decisions recently adopted by the Committee. In item 5 of the biennial programme of work of the Third Committee for 1995-1996, contained in annex II of the document (p. 14 of the English text), the words "including the information requested in draft resolution A/C.3/49/L.78", should be added after the words "Relevant chapter of the report of the Economic and Social Council". Two further documents, namely, the report of the Secretary-General on the implementation of draft resolution A/C.3/49/L.79, "Crime Prevention and Criminal Justice", and the report of the Secretary-General on the implementation of General Assembly resolution 49/- concerning the Naples Political Declaration and Global Plan of Action to combat organized transnational crime should be added to the list of documents under item 5; the number of the resolution would not be determined until its adoption by the General Assembly.

36. The second amendment to document A/C.3/49/L.76 related to item 6 of the biennial programme of work entitled "Advancement of women" (p. 14 of the English text). It consisted, firstly, in inserting "draft resolution A/C.3/49/L.72" after "Report of the Secretary-General on the improvement of the status of women in the Secretariat (Economic and Social Council resolution 1994/6)", since it was that draft resolution which called for the report, and secondly, in amending the symbol of the draft resolution pertaining to the report of the Secretary-General on traffic in women and girls; it should read A/C.3/49/L.71/Rev.1 instead of A/C.3/49/L.71.

37. The third amendment related to item 11 (c) of the biennial programme of work (p. 18 of the English text), and consisted, firstly, in inserting the word "Documentation" under the subheading (c), and secondly, in inserting the

subheading "Questions for consideration for which no advance documentation had been requested" under the "Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), etc.," so that, in effect, all the subsequent sub-items on human rights in item 11 (c) would come under the new subheading. The same subheading, namely "Questions for consideration for which no advance documentation had been requested", as well as the sub-item under it, namely, "Increased coordination in the field of human rights within the United Nations system" (p. 19 of the English version) should be deleted, as that question had been referred to the Working Group of the Third Committee. Lastly, he announced that the programme of work of the Committee for the fiftieth session (pp. 3 to 11 of the English text) did not include any new items.

38. Mr. KUEHL (United States of America) thanked Mr. Bunch for his observations and commended the Programme Planning and Documentation Section, which he headed, for the support it had provided to the Committee during the current session. He was pleased to note that no new item had been added to the Third Committee's agenda for its fiftieth session, which was already quite heavy. He recalled that some time ago, the Committee had attempted to rationalize its work and said that he would like to submit to the members an informal proposal envisaging the reduction of the workload by regrouping the agenda items, as follows: (1) international drug control; (2) social development, including crime prevention and criminal justice; (3) advancement of women; (4) report of the United Nations High Commissioner for Refugees; (5) questions concerning human rights, including questions considered during the current session under agenda items 100 (a) to 100 (d) and questions concerning the rights of the child; the rights of indigenous people; racism and discrimination; and self-determination. The advantages of that clustering of agenda items would be that delegations would make fewer statements, have more time to work out draft resolutions and be able to circulate them in time, thus enhancing the transparency of the Committee's work. The proposal, if accepted by the members of the Committee, could lead to a draft decision worded as follows: "The General Assembly decides that the Member States, when drafting a resolution to be submitted for adoption, should, whenever possible, include a paragraph requesting that the follow-up of the resolution be considered under the relevant agenda item of the Committee, which reads as follows: [agenda item]". He said that his informal proposal did not apply to the fiftieth session of the General Assembly and that he would be glad to have an opportunity to discuss it with delegations in the next few weeks or months.

39. Mr. BRAHA (Albania), referring to paragraph 7 of resolution A/C.3/49/L.58 adopted by the Committee on 13 December and requesting the Secretary-General to submit a report on the modalities of an adequate international presence to monitor the situation in Kosovo, wanted to know whether the document could be added to the list of documents contained in the note of the Secretariat (A/C.3/49/L.76) on the organization of work of the Third Committee and the draft biennial work programme of the Committee for 1995-1996.

40. Mr. OTUYELU (Nigeria) congratulated the Secretariat for accomplishing the Herculean task which its responsibilities entailed and said that all the items listed in document A/C.3/49/L.76 were important. It was nevertheless necessary,

as pointed out by the representative of the United States, to rationalize the work of the Third Committee and take productive initiatives. In particular, less time should be spent on reading statements so that more time could be available to solve the problems that came within the purview of the Committee. Ideally, the greater part of the documents should be available to members in good time; agenda items should be regrouped so that the Committee could decide upon groups of agenda items, as suggested by the representative of the United States. Moreover, the Nigerian delegation was of the opinion that decisions reached by the Committee during 1990-1991 should be consulted in order to avoid unnecessary duplication. Nigeria supported all efforts aimed at making the work of the Committee more pragmatic and objective. While it recognized the sovereign right of Member States to make statements, those statements should relate to groups of agenda items and should also be more pertinent and useful.

41. Mr. MUCH (Germany) said that the observation of the representative of Albania was technically correct and sought to know from the representative of the Secretariat whether the report requested in resolution A/C.3/49/L.58 could be included in document A/C.3/49/L.76.

42. Mr. KUEHL (United States of America) supported the view of the representative of Germany and observed that the report requested in paragraph 15 of resolution A/C.3/49/L.51/Rev.1 was mentioned under agenda item 11 (b) of the draft programme of work. He wanted to know what criteria determined whether or not a document was included in the draft biennial programme of work.

43. Mr. BUNCH (Chief, Programme Planning and Documentation Section), replying to the representative of Albania regarding paragraph 7 of draft resolution A/C.3/49/L.58, said that the paragraph did not indicate the date for submission of the report in question, in contrast with draft resolution A/C.3/49/L.51/Rev.1, referred to by the representative of the United States, where the Secretary-General was requested, in paragraph 15, to make a report to the General Assembly at its fiftieth session. However, if the Committee so wished, the report mentioned in resolution A/C.3/49/L.58 would be included in the list of those that the Secretary-General was to present to the General Assembly at its fiftieth session.

44. Mr. BRAHA (Albania) said that he was confident that the report would be presented in the course of the fiftieth session and suggested that it be included in the draft programme of work.

45. The CHAIRMAN said that the report would be added to those already listed in document A/C.3/49/L.76.

46. The organization of work of the Third Committee and the draft biennial programme of work of the Committee for 1995-1996 (A/C.3/49/L.76), as orally amended, was adopted.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

47. The CHAIRMAN read out a draft decision, worded as follows:

"As regards item 12, I propose that the Committee take note of the report of the Economic and Social Council (document A/49/3), particularly chapters I, III (sect. B), V (sects. B, D, E, F, G, H and K), IX, XIV, XV and XVII, which have been referred to the Third Committee."

48. The draft decision was adopted.

49. The CHAIRMAN announced that the Committee had concluded its consideration of item 12.

50. After an exchange of courtesies between Mr. TOURÉ (Guinea), on behalf of the African States, Mr. CHUA (Singapore), on behalf of the Asian States, Mr. HEVESI (Hungary), on behalf of the Eastern European States, Mr. BASRTRETO (Peru), on behalf of the Latin American and Caribbean States, Mr. RODRIGUEZ (Spain), on behalf of Western European and Other States, and the CHAIRMAN, the latter declared that the Third Committee had concluded its work for the forty-ninth session.

The meeting rose at 5.55 p.m.